

10/24/2005 16:12 FAX

RECEIVED
KRAMER LEVIN NAFTALIS CENTRAL FAX CENTER

001/003

OCT 24 2005

KRAMER LEVIN NAFTALIS & FRANKEL LLP

FROM: AARON S. HALEVA
DATE: OCTOBER 24, 2005
PHONE: 212-715-7773

FAX DEPARTMENT:
(212) 715-9191
SENDER'S FAX NUMBER:
212-715-9397

PLEASE DELIVER AS SOON AS POSSIBLE TO:

	RECIPIENT	COMPANY	FAX NO.	PHONE NO.
1.	United States Patent and Trademark Office		571-273-8300	

TOTAL NUMBER OF PAGES INCLUDING THIS PAGE: 3

The documents accompanying this facsimile transmission are intended only for the use of the addressee and may contain information that is privileged and confidential. If you are not the intended recipient, you are hereby notified that any dissemination of the communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone. Thank you.

RE: 16370

1177 AVENUE OF THE AMERICAS NEW YORK NY 10036-2714 PHONE 212.715.9100 FAX 212.715.8000 WWW.KRAMERLEVIN.COM

ALSO AT 47 AVENUE HOCHER 75008 PARIS FRANCE

PAGE 1/3 * RCVD AT 10/24/2005 4:08:21 PM [Eastern Daylight Time] * SVR:USPTO-EFAXF-6/25 * DNIS:2738300 * CSID: * DURATION (mm-ss):00-44

RECEIVED
CENTRAL FAX CENTER

Customer No. 35745

OCT 24 2005

Docket No.: 100405/16370

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Massey et al.

Confirmation No. 3441

Serial No.: 10/007,526

Filed: December 5, 2001

Examiner: Shafiqul Haq

Group Art Unit: 1641

For: **GRAPHITIC NANOTUBES IN LUMINESCENCE ASSAYS**

CERTIFICATE OF TRANSMISSION under 37 CFR 1.8
I hereby certify that this correspondence is being filed via
facsimile transmission to the United States Patent and Trademark
Office at telephone number: (571) 273-8300.

on October 24, 2005Name of Applicant, Assignee or Registered Representative
Aaron S. Maleva, Reg. No. 44,733

Signature

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

The owner, Meso Scale Technologies LLP., of entire interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5,866,434. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

KLJ.2468973.1

Customer No. 35745**Docket No.: 100405/16370**

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that any of the said patents later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

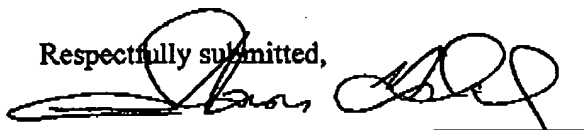
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned is an attorney of record and authorized to execute terminal disclaimers on behalf of Meso Scale Technologies LLP.

The Director is hereby authorized to charge the required fee of \$130.00 under 37 CFR 1.20(d) as well as any other fee(s) deemed necessary with the filing of this terminal disclaimer to Deposit Account No. 50-0540.

Dated: October 24, 2005

Respectfully submitted,



Aaron S. Haleva, Reg. No. 44,733
KRAMER, LEVIN, NAFTALIS & FRANKEL
1177 Avenue of the Americas
New York, NY 10036
Tel. No.: (212) 715-7773
Fax. No.: (212) 715-8000

KL3.2458973.1